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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

VARNER HARRIS,

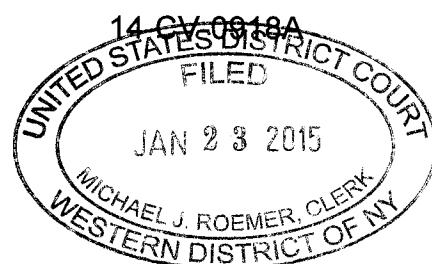
Petitioner,

v.

SUPERINTENDENT CHRISTOPHER MILLER,

Respondent.

DECISION AND ORDER



On October 30, 2014, Petitioner Varner Harris, an inmate of a state correctional facility, filed a *pro se* petition under 28 U.S.C. § 2254 with respect to a judgment of conviction entered on November 19, 2007, in Erie County, New York. Petitioner paid the filing fee on November 25, 2014. This is Petitioner's second or successive petition with respect to the same judgment of conviction.¹ Petitioner's first § 2254 petition was filed in this District under civil number 11-CV-0360 (MAT).

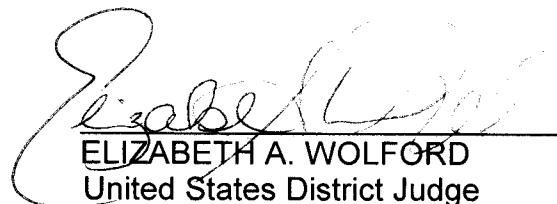
According to 28 U.S.C. § 2244, before a district court may entertain a second or successive application for a writ of habeas corpus filed pursuant to § 2254, the petitioner must have first requested and obtained an order from the appropriate court of appeals which authorizes the filing of such a second or successive petition. The petition herein has not received this authorization. Therefore, in the interests of justice and pursuant to 28

¹ Petitioner had filed previously another second or successive petition, *Harris v. Racette*, 13-CV-0246Sc, which was transferred to the Second Circuit Court of Appeals on March 28, 2013.

U.S.C. § 1631, this petition shall be transferred to the Second Circuit Court of Appeals for a determination of the authorization issue. See *Liriano v. United States*, 95 F.3d 119, 122-23 (2d Cir. 1996) (per curiam) ("We accordingly rule that when a second or successive petition for habeas corpus relief or § 2255 motion is filed in a district court without the authorization by this Court . . . the district court should transfer the petition or motion to this Court in the interest of justice pursuant to § 1631. . . .").

IT HEREBY IS ORDERED, that Petitioner's § 2254 petition is transferred to the Second Circuit Court of Appeals.

SO ORDERED.



ELIZABETH A. WOLFORD
United States District Judge

Dated: January 21, 2015
Rochester, New York